

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-33332 - APPLICANT/OWNER: SCHMONIES LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0074-95).
2. Payment of the required application and notification fees totaling \$800.00 and the applicable documents within 10 days of City Council.
3. The owner of this Off-Premise Sign (Billboard) shall, within thirty (30) days, obtain either construction inspection and approval by the City, or structural certification, as those items are described in Title 19.14.100(D), paragraph six, subsection a or b. Failure to secure the required final inspection may result in fines and-or removal of the Off-Premise Sign (Billboard).
4. This Special Use Permit shall be placed on an agenda closest to June 5, 2012 at which time the City Council may require the Off-Premise Sign (Billboard) be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign (Billboard) is removed.
5. The Off-Premise Sign (Billboard) and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign (Billboard).
6. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U-0074-95) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is in response to a Required Review of an approved Special Use Permit (U-0074-95) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 7200 W. Lake Mead Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/08/84	The Planning Commission approved a request for Rezoning (Z-0074-84) of properties generally located west of Lorenzi Boulevard, south of Smoke Ranch Road, north of Washington Avenue and east of Buffalo Drive from N-U (Non-Urban) to C-1 (Limited Commercial), R-CL (Single Family Compact-Lot), and R-3 (Medium Density Residential).
04/02/86	The City Council approved a request for a Plot Plan Review (Z-0074-84) for a proposed Apartment project on property located at the north side of Vegas Drive between Rock Springs Drive and US-95.
04/01/87	The City Council approved a request for a Plot Plan and Architectural Review [Z-0074-84(5)] of Apartments proposed on the northwest corner of Rock Springs Drive and Vegas Drive. The Planning Commission recommended approval on 03/24/87.
08/02/88	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0088-88) for Gasoline Sales in conjunction with a Mini-Mart at the northwest corner of Lake Mead Boulevard and Rock Springs Road.
09/28/89	The Board of Zoning Adjustment approved a request for a Reinstatement and Extension of Time [U-0088-88(1)] of an approved Special Use Permit (U-0088-88) for Gasoline Sales in conjunction with a Mini-Mart at the northwest corner of Lake Mead Boulevard and Rock Springs Road.
07/26/90	The Board of Zoning Adjustment approved a request for an Extension of Time [U-0088-88(2)] of an approved Special Use Permit (U-0088-88) for Gasoline Sales in conjunction with a Mini-Mart at the northwest corner of Lake Mead Boulevard and Rock Springs Road.
07/25/91	The Board of Zoning Adjustment approved a request for an Extension of Time [U-0088-88(3)] of an approved Special Use Permit (U-0088-88) for Gasoline Sales in conjunction with a Mini-Mart at the northwest corner of Lake Mead Boulevard and Rock Springs Road.
07/28/92	The Board of Zoning Adjustment approved a request for an Extension of Time [U-0088-88(4)] of an approved Special Use Permit (U-0088-88) for Gasoline Sales in conjunction with a Mini-Mart at the northwest corner of Lake Mead Boulevard and Rock Springs Road.

08/24/93	The Board of Zoning Adjustment approved a request for an Extension of Time [U-0088-88(5)] of an approved Special Use Permit (U-0088-88) for Gasoline Sales in conjunction with a Mini-Mart at the northwest corner of Lake Mead Boulevard and Rock Springs Road.
09/28/93	The Board of Zoning Adjustment approved a request for a Plot Plan and Elevation Review [U-0088-88(6)] for a proposed Convenience Store at the northwest corner of Lake Mead Boulevard and Rock Springs Road.
06/05/96	The City Council approved a request for a Special Use Permit (U-0074-95) for a 14-foot by 48-foot Off-Premise Sign (Billboard) at the northwest corner of Lake Mead Boulevard and Rock Springs Road. The Board of Zoning Adjustment recommended approval on 06/27/95.
03/20/07	A Code Enforcement case (51448) was processed for signs on the side and in the grass at 7200 W. Lake Mead Boulevard. The case was closed on 03/26/07.
04/09/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #44/ds).
<i>Related Building Permits/Business Licenses</i>	
11/06/92	A building permit (92166131) was issued for an addition to an existing building at 7200 W. Lake Mead Boulevard. The permit was finalized on 03/02/93.
01/08/93	A building permit (93172156) was issued for interior remodel for a Tavern at 7200 W. Lake Mead Boulevard. The permit was finalized on 02/04/93.
06/07/01	A business license (C08-01369) was issued for Coin Amusement Machines at 7200 W. Lake Mead Boulevard. The license is still active.
06/07/01	A business license (G07-00001) was issued for Non-restricted gaming at 7200 W. Lake Mead Boulevard. The license is still active.
06/07/01	A business license (L16-00158) was issued for a Tavern at 7200 W. Lake Mead Boulevard. The license is still active.
06/07/01	A business license (R09-00344) was issued for a Restaurant at 7200 W. Lake Mead Boulevard. The license is still active.
07/19/01	A business license (C20-01421) was issued for Convention Hall Gaming Tax at 7200 W. Lake Mead Boulevard. The license is still active.
07/28/08	A business license (C05-01925) was issued for Retail Tobacco Sales at 7200 W. Lake Mead Boulevard. The license is still active.

<i>Pre-Application Meeting</i>
A pre-application meeting was not required, nor was one held.
<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

Field Check	
03/05/09	<p>Staff conducted a file check of the subject site with the following observations:</p> <ul style="list-style-type: none"> • The subject billboard had no embellishments, animated signage, or electronic displays. • One side of the billboard was blank. • All structural elements have been properly screened from public view. • The sign and supporting structure were in good condition and did not require repainting or bird deterrents.

Details of Application Request	
Site Area	
Gross Acres	0.89

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishment and Restaurants	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District (175 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is located in a C-1 (Limited Commercial) zoning district.	Y
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign is 672 square feet and does not have an embellishment.	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 40 feet tall.	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structural elements are properly screened from public view.	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-premise Sign (if not along US-95)	Sign is at least 300 feet from another billboard.	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	Sign is at least 300 feet from property zoned for residential use.	Y
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently secured to the ground and is not located on property that is used for residential purposes.	Y

ANALYSIS

This is the first required review of an approved Special Use Permit (U-0074-95) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 7200 W. Lake Mead Boulevard. A research of the building permit activity revealed no history of a sign permit being issued and/or a final inspection for the billboard at the subject site. Staff conducted a field check of the site and found the sign and supporting equipment in good condition with no discrepancies noted. The surrounding area has experienced development in recent years with zoning remaining for commercial use.

FINDINGS

The sign is located in a C-1 (Limited Commercial) zoning district and is not within the Off-Premise Sign Exclusionary Zone. Though the area has experienced some development in recent years, staff finds that there is no adverse impact regarding the continued use of the billboard sign. The owner/applicant failed to submit the required documents for the Required Review nor have they paid the applicable fees, which are both addressed as conditions of approval. The sign does lack any history of acquiring a building permit or final inspection; therefore, staff is recommending denial.

PLANNING COMMISSION ACTION

The Planning Commission recommended approval but had concerns that the sign may be larger than 14X48 because if so then they would not have done so.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT 37

SENATE DISTRICT 3

NOTICES MAILED 69 by City Clerk

APPROVALS 1

PROTESTS 0